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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/165,315	10/02/98	TAMURA	T 02860.0599

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MM92/0424

EXAMINER

MAHONEY, C

ART UNIT PAPER NUMBER

2851

DATE MAILED: 04/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/165,315

Applicant(s)
Tamura et al.

Examiner
Christopher E Mahoney

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2851



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 1, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above, claim(s) 14-16 and 22-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Election/Restriction

2. Claims 14-16 and 22-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.
3. The restriction requirement is made FINAL.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

5. Claim 18 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the

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claim(s) in independent form. The content of the information transmitted by a device outside the claimed invention does not further limit the structure of the claimed camera in claim 18.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-3, 6-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Steinberg (U.S. Pat. No. 6,006,039). The applicant is directed to especially review figures 1-2 as well as column 1, lines 26-50. Column 1 discloses a camera comprising image pickup means for receiving light to form an image of a subject for converting the light into electric signals and for producing image information of the image of the subject by electric signals as well as print information producing means for producing print information for printing the image information. The PCMCIA card could be interpreted as the transmitting means for transmitting the image information and the print information. Figure 2, elements 58 and 60 teach that the transmitting may be done by wireless or other means.

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Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg (U.S. Pat. No. 6,006,039) in view of Saegusa (U.S. Pat. No. 5,799,217). Steinberg teaches the salient features of the claimed invention except for a battery check device. Saegusa teaches a battery check device for a camera which determines the battery power and functional limits based on the battery exhaustion, which then displays the information accordingly. The applicant is directed to review the abstract as well as figures 1 and 3-6. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Saegusa for the purpose of accurately assess battery function and warning the operator.

10. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg (U.S. Pat. No. 6,006,039) in view of Friend et al (Understanding Data Communications). Steinberg teaches the salient features of the claimed invention except for a explicitly stating that it acknowledges proper receipt of information. Friend teaches that it was known to receive receipt information especially when there is an error in communication. This is discussed on page 177 of

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Friend. If the applicant wishes, additional pages of this text can be supplied for the detailed descriptions of the topics touched upon on page 177. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Friend for the purpose of error checking. The examiner notes that modem software, which has been in existence for decades, sends and receives receipt acknowledgments as well as notifying the user of such acknowledgments.

11. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg (U.S. Pat. No. 6,006,039) in view of Kaihatsu (U.S. Pat. No. 5,898,386). Steinberg teaches the salient features of the claimed invention except for a transmitter ID signal transmission. Kaihatsu teaches in the abstract as well as figures 11 and 12 that it was known to transmit transmitter ID. It would have been obvious at the time the invention was made for one of ordinary skill in the art to include the features taught by Kaihatsu for the purpose of proper tracking and identification.

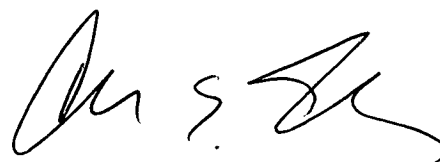
Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Christopher Mahoney at telephone number (703) 305-3475. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached at (703) 308-2847. The fax number for this Group is (703) 305-34[31,32]. Any inquiry of a general nature or related to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

CM
April 22, 2001

A handwritten signature in black ink, appearing to read 'Chris Mahoney', with a stylized flourish at the end.

Christopher E. Mahoney
Primary Examiner AU2851